

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
CHATTANOOGA

JAMES D. McCLELLAND

V.

JO ANNE B. BARNHART,  
Commissioner of Social Security

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NO. 1:03-CV-45

REPORT AND RECOMMENDATION

This matter has been referred to United States Magistrate Judge for a report and recommendation by an order [Doc. 30] entered March 16, 2005, with respect to the Motion [Doc. 28] for attorney fees filed by the plaintiff. The defendant has filed a response [Doc. 31] stating that she does not oppose the plaintiff's request. The Court finds that the fee requested is reasonable. It is recommended that the Motion [Doc. 28] be GRANTED, and that plaintiff's counsel be awarded a fee of \$11,733.00.

Any objections to this report and recommendation must be filed within ten (10) days of its service or further appeal will be waived. 28 U.S.C. § 636(b)(1)(B) and (C). *United States v. Walters*, 638 F.2d 947-950 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140 (1985). If a party files objections to this report and recommendation, the attorney for that party shall provide a copy of such objections to the opposing counsel on the same day the objections are filed, either by hand-delivery or facsimile transmission. The opposing counsel shall file his/her response to the objections within five business days of the date the objections are filed.

Respectfully submitted:

s/ Dennis H. Inman  
United States Magistrate Judge